

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of _____)
Implementation of Section 621(a)(1) of _____)
the Cable Communications Policy Act of 1984 _____) MB Docket No. 05-
311
as amended by the Cable Television Consumer _____)
Protection and Competition Act of 1992 _____)

COMMENTS OF THE CITY OF HELENA, ALABAMA

These Comments are filed by the City of Helena in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, Helena believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

Helena is a city with a population of 10,296. Our current franchised cable providers are Charter Communications and Brighthouse Networks. Our community has negotiated cable franchises since 1972. Beginning with L & L Community Antenna, the franchise has changed ownership several times as companies bought and sold to other cable providers (ie Cablevision transferred to Cencom dba Crown Cable which sold to Marcus Cable of Alabama L.P. and is now with Charter Communications).

Competitive Cable Systems

- Our community granted a non-exclusive franchise to Marcus Cable of Alabama L.P. (Charter Communications) and its successors in 1996 and that provider is providing service in the Helena community today. Charter services accounts in the city limits that are in Shelby County,
- Our community granted a non-exclusive franchise to Brighthouse Networks a cable overbuilder, on August 15, 2005 and that provider is providing service in the Helena community today. Brighthouse services accounts in the city limits that are in Jefferson County as our city limits expand through annexations.
- Our community has not denied any provider the opportunity to serve in our community.

Conclusions

The local cable franchising process functions well in the City of Helena. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Helena therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

City of Helena, Alabama

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